

REMARKS/ARGUMENTS

This is responsive to the communication of September 16, 2008 in which the examiner considered the reply of June 9, 2008 to be non-responsive because newly submitted claims 9-18 are directed to an invention that is independent or distinct from the invention originally claimed as specified in more detail in the first paragraph of page 1 of the September 16 communication.

New claims 19-26 presented above are based upon claims 1 and 3-8 as presented in the Preliminary Amendment of July 21, 2005. New independent claim 19 is based upon claim 1 and includes the disclosure found on page 2, line 6. Claims 20-24 and 26 correspond generally to previous claims 3-8, respectively. New claim 25 specifies the additional UV-B and broad spectrum sunscreen and basis for this is found in the description at page 5, line 10 to page 6, line 18.

The new claims as presented above are based upon the original description of the invention for the reasons indicated.

Previously submitted claims 9-18 remain in the application and it is counsel's expectation that the examiner will formally make a requirement for restriction, withdraw claims 9-18 from consideration and act on new claims 19-26.

The comments in the Amendment and Response of June 9, 2008 pertain to the new claims presented above as well.

The examiner is also requested to take into account the Information Disclosure Statement filed June 19, 2008 for which the relevant fee has been paid to secure consideration.

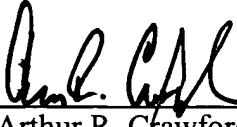
Should the examiner require further information, please advise the undersigned.

BERG-SCHULTZ
Appl. No. 10/542,927
October 1, 2008

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: _____


Arthur R. Crawford
Reg. No. 25,327

ARC:eaw
901 North Glebe Road, 11th Floor
Arlington, VA 22203-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100